

APPROVED and SO ORDERED.
ENTER: 8/7/2017

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

MDL 2187

NO. 2:13-cv-03115

DAWN DUNSMORE

Plaintiff,

v.

C.R. BARD, INC., ET AL.

Defendants.

**JOINT MOTION TO DISMISS DEFENDANT
C.R. BARD, INC. WITH PREJUDICE
AND PLAINTIFF MOTION TO TRANSFER MDLS**

Plaintiff and Defendant C.R. Bard, Inc. (“Bard”) advise the Court that they have compromised and settled all claims between them in this action, including all counterclaims, cross-claims and third party claims. Accordingly, they jointly move the court to dismiss Bard as a defendant in this action with prejudice, parties to bear their own costs.¹

Other Defendants, including Ethicon, Inc., remain in this action, and Plaintiff will continue to prosecute this action against them. To that end, an Amended Short Form Complaint will be filed against the remaining defendants.

Further, Plaintiff moves to transfer this action from MDL 2187, In re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation to: MDL 2327. Plaintiff herein filed a Complaint or Short Form Complaint in MDL 2187 against C.R. Bard, Inc., and others. Within fourteen (14) days of the filing of this *motion*, Plaintiff will file an Amended Short Form

¹ The parties jointly move to dismiss C.R. Bard, Inc. with prejudice and terminate it from the Court’s docket in this matter; the signature for Bard on this motion relates only to the joint motion. The motion to transfer is made only by the Plaintiff.

Complaint that no longer includes Bard as a named defendant.

Because Bard is no longer a named defendant in this case, Plaintiff respectfully requests that the Court: 1) GRANT the Plaintiff's motion to transfer this action from MDL 2187 to MDL 2327; and 2) direct the Clerk to disassociate this civil action as a member case in MDL 2187 and re-associate it with MDL 2327.

Respectfully:

/s/ Richard B. North, Jr.
NELSON MULLINS RILEY &
SCARBOROUGH LLP
Atlantic Station, 201 17th Street, NW
Suite 1700
Atlanta, GA 30363
(404) 322-6000

Attorney for Defendant C.R. Bard, Inc.

/s/ Derek H. Potts
Derek H. Potts
THE POTTS LAW FIRM, LLP
100 Waugh Drive, Suite 350
Houston, TX 77007
Telephone: (713) 963-8881

Attorney for Plaintiff

Dated: August 4, 2017

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in these member cases.

/s/ Richard B. North, Jr.